

A proposal to recodify statutes relating to the management of department administered aquatic lands

Washington's Department of Natural Resources (DNR) manages more than 5 million acres of state-owned lands: forest, range, agricultural lands and commercial properties, and including about 2.4 million acres of aquatic lands. These aquatic lands incorporate many of the state's tidelands and shorelands, all the bedlands of Puget Sound, and the beds of navigable lakes and rivers.

In 2003, the Legislature approved changes to laws governing upland management activities of DNR – for the state trust lands, natural resources conservation areas and natural area preserves. The changes revised outdated language and clarified current practices. As a second phase, DNR is now proposing to make similar improvements and updates to laws governing state-owned aquatic lands managed by the DNR. These laws were substantially rewritten in 1982 and further amended in 1984. In the last 20 years the Legislature has made many additions and revisions to the aquatic lands laws that have resulted in the language becoming fragmented.

DNR's proposal to recodify the statutes governing aquatic lands management will make the law easier to use and understand, while maintaining existing legislative direction. Recodification will rearrange sections of existing statutes, so that like subjects are grouped together. As statutes are recodified, some sections will be moved from one location to another. Other sections will be combined (such as grouping all definitions in one place), and language will be added as needed to divide statutes into two or more sections so that each section addresses a single subject. References in other statutes to now recodified sections will be revised as needed.

The department recognizes that a comprehensive overhaul of our statutes governing aquatic lands management is a huge task, but it is critical to the ability to provide professional stewardship of our state aquatic lands. DNR's long-term goal is to bring the laws that govern department-managed aquatic lands into the 21st century by revising outdated language, eliminating duplicative references, and reorganizing sections to improve clarity.

For example, Chapter 79.90 RCW is intended to apply to state-owned aquatic lands in general, but more than 30 sections of it apply only to specific types of lands or situations. Most of these sections are related to subjects found in other chapters. Ten of these sections (on valuable materials) are neither general in nature nor covered by other chapters. Another example pertains to outdated language, where some of the aquatic land laws use gender-specific language that is inconsistent with RCW 44.04.210, or where some portions of the laws are out-of date and no longer apply.

The department is encouraging all interested parties to review the proposed recodification proposal and contact the department with any questions, suggestions or general comments. The department hopes to finalize the proposal by November 15, 2004. Comments or questions may be directed to Kristin Swenddal, Aquatic Resources Program, Washington Department of Natural Resources, 1111 Washington St. SE, PO Box 47027, Olympia, WA 98504-7027 or kristin.swenddal@wadnr.gov.